

REMARKS

I. Amendments to the Claims

Upon entry of the foregoing amendment, claims 1, 3, 6, 7, 10-14, 18, 19, and 21 are pending in the Application. Claims 1, 6, 14, 18, and 19 are amended. Claims 8, 9, 16, 17, 22, and 23 are canceled.

Applicants respectfully request entry of the above amendment and submit that the above amendment does not constitute new matter. Support for the amendments to the claims can be found throughout the specification and in the claims as originally filed. Specifically, claim 1 has been amended to incorporate the limitation of claim 8. Support for the amendment to claim 1 may also be found, *inter alia*, in the specification at p. 10, par. [053]. Claims 6, 14, 18, and 19 have been amended for proper antecedent basis.

Based on the instant amendment and remarks below, Applicants respectfully request that the Examiner withdraw the outstanding objections and rejections.

II. Rejection under 35 U.S.C. § 102(b)

The Office Action stated that claims 1, 3, 6, 7, 9, 12, 16, and 21 are rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Jyy-Jih Tsai-Wu *et al.*, *Preparation of Heteroduplex DNA Containing a Mismatch Base Pair with Magnetic Beads*, Analytical Biochemistry 275, 127-129 (1999) (“the Tsai-Wu reference”). See Office Action, pp. 2-5. Applicants respectfully traverse this rejection.

Claim 1 has been amended to incorporate the limitation of claim 8, which was merely objected to as dependent on a rejected base claim. See First Advisory Action, p. 2. Claims 3, 6, 7, 12, and 21 depend from claim 1; therefore, they are also in condition for allowance.

For at least these reasons, the Tsai-Wu reference does not anticipate the claims of the present application. Therefore, Applicants respectfully request that the rejection of claims 1, 3, 6, 7, 12, and 21 under 35 U.S.C. § 102(b) be reconsidered and withdrawn.

III. Rejection under 35 U.S.C. § 112

The Second Advisory Action maintained that claim 1, as amended in the Supplemental Amendment and Response Under 37 C.F.R. § 1.116, filed March 26, 2007, contained multiple distinct “parental polynucleotides.” Therefore, as asserted in the Second Advisory Action, the additional recitation of “parent polynucleotides” would render the antecedent basis for the

“parent polynucleotide” in the dependent claims indefinite and would raise new issues under 35 U.S.C. § 112. *See id.* at p. 2.

The claims have now been amended as proposed by Examiner Sullivan in the Examiner Interview held on May 16, 2007. Although the claim amendments were approved during the interview as an Examiner’s Amendment, a Notice of Allowance was not mailed prior the due date for filing an Appeal Brief. Therefore, Applicants are submitting the same claim amendments as a submission with an RCE.

For at least these reasons, Applicants respectfully submit that claims 1, 6, 14, 18, and 19 are in condition for allowance.

IV. Claim Objections

In the First Advisory Action, claims 8, 10, 11, 13, 14, 17-19, 22, and 23 were objected to as being dependent on a rejected base claim. Because claim 1 is in condition for allowance, as discussed in Section III above, and claims 8, 17, 22, and 23 have been canceled, Applicants respectfully submit that claims 10, 11, 13, 14, 18, and 19 are in condition for allowance. Therefore, Applicants respectfully request that the objection be reconsidered and withdrawn.

V. Statements

A series of telephonic Examiner Interviews were held between Examiner Daniel M. Sullivan and Applicants’ Representative, Victoria Silcott, on the following dates: February 14, 2007; April 24, 2007; and May 16, 2007. Applicants thank Examiner Sullivan for his time, attention, and assistance.

During the February 14, 2007 interview, Examiner Sullivan and Ms. Silcott discussed the First Advisory Action. Examiner Sullivan indicated that an amendment to claim 1 to incorporate the limitations of dependent claim 8 would not raise new rejections under 35 U.S.C. § 112 and would be entered.

On April 24, 2007, Examiner Sullivan and Ms. Silcott discussed the Second Advisory Action and proposed claim amendments presented by Ms. Silcott. Examiner Sullivan clarified his concerns regarding antecedent basis in the dependent claims.

On May 16, 2007, Examiner Sullivan and Ms. Silcott discussed a proposed Examiner’s Amendment. Ms. Silcott authorized the Examiner’s Amendment during the interview.

CONCLUSION

All of the stated grounds of objections and rejections have been accommodated or rendered moot. Applicants, therefore, respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance.

The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

It is believed that no additional fees are due in connection with this Amendment. However, in the event that the USPTO determines that a variance exists between the amount due and the amount authorized above, the Commissioner is hereby authorized to credit or debit any such variance to the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,

Dated: June 26, 2007

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